

# **EXHIBIT A**

**Email from A. Wolf  
to defense counsel, dated  
May 8, 2023**

**From:** Abby Wolf <AbbyW@hbsslaw.com>  
**Sent:** Monday, May 8, 2023 4:32 PM  
**To:** Tsoumas, Tammy A.; \*Boris.Bershteyn@skadden.com; \*Ken.Schwartz@skadden.com; \*Michael.Menitove@skadden.com; \*Sam.Auld@skadden.com; Huseny, Sadik (SF-ATX); O'Mara, Tim (Bay Area); McShane, Brendan (Bay Area); Rathbun, Anna (DC); \*aoruc@goodwinlaw.com; \*arubio-spring@goodwinlaw.com; \*preilly@bhfs.com; \*azorio@bhfs.com; Emily R. Garnett; \*ewalther@bhfs.com; Holscher, Mark C.; Solum, Matthew; \*Bethany.Kristovich@mto.com; \*kyle.mach@mto.com; \*Justin.Raphael@mto.com; Juliana.yee@mto.com; Haas, Nathaniel Edward  
**Cc:** Steve Berman; Rio Pierce; Ted Wojcik; Stephanie Verdoia  
**Subject:** RE: Gibson v. MGM Resorts - FRCP 26(f) Conference  
**Attachments:** 2023-05-08 Plaintiffs' First Set of Interrogatories to Rainmaker Entities.pdf; 2023-05-08 Plaintiffs' First Set of Requests for Production of Documents to Operator Defendants.pdf; 2023-05-08 Plaintiffs' First Set of Requests for Production to Rainmaker Entities.pdf; 2023-05-08 Plaintiffs' First Set of Interrogatories to Operator Defendants.pdf

Tammy –

Regarding Defendants' discovery proposal: As we discussed previously, Plaintiffs planned to formally serve our Requests for Production and Interrogatories today. Those documents are attached here and are served upon you. We would counter propose the following:

- (1) By July 10, Defendants would agree to answer all Interrogatories and produce for our priority Requests, which we would accept as your prior proposal along with RFP Nos. 3 and 4, 52-54 (for Hotel Operators), and RFP Nos. 3, 4 and 5, 46-47 (for the Rainmaker Entities)
- (2) We would then propose that we negotiate the other RFPs' responses and objections, search terms, and custodians with the aim of wrapping that up by October 9.

Thanks,  
 Abby

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**Abby Wolf** | Hagens Berman Sobol Shapiro LLP | (510) 725-3031

**From:** Abby Wolf  
**Sent:** Friday, May 5, 2023 3:58 PM  
**To:** Tsoumas, Tammy A. <ttsoumas@kirkland.com>; \*Boris.Bershteyn@skadden.com <Boris.Bershteyn@skadden.com>; \*Ken.Schwartz@skadden.com <Ken.Schwartz@skadden.com>; \*Michael.Menitove@skadden.com <Michael.Menitove@skadden.com>; \*Sam.Auld@skadden.com <Sam.Auld@skadden.com>; \*sadik.huseny@lw.com <sadik.huseny@lw.com>; tim.omara@lw.com; Brendan McShane <brendan.mcshane@lw.com>; \*anna.rathbun@lw.com <anna.rathbun@lw.com>; \*aoruc@goodwinlaw.com <aoruc@goodwinlaw.com>; \*arubio-spring@goodwinlaw.com <arubio-spring@goodwinlaw.com>; \*preilly@bhfs.com <preilly@bhfs.com>; \*azorio@bhfs.com <azorio@bhfs.com>; Emily R. Garnett <egarnett@bhfs.com>; \*ewalther@bhfs.com <ewalther@bhfs.com>; Holscher, Mark C. <mholscher@kirkland.com>; Solum, Matthew <msolum@kirkland.com>; \*Bethany.Kristovich@mto.com <Bethany.Kristovich@mto.com>; \*kyle.mach@mto.com <kyle.mach@mto.com>; \*Justin.Raphael@mto.com <Justin.Raphael@mto.com>; Juliana.yee@mto.com; Haas, Nathaniel Edward <nathaniel.haas@kirkland.com>  
**Cc:** Steve Berman <Steve@hbsslaw.com>; Rio Pierce <riop@hbsslaw.com>; Ted Wojcik <TedW@hbsslaw.com>  
**Subject:** RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Tammy –

Plaintiffs are able to continue our discussion on Tuesday, 5/9 at 11 a.m. pacific. Thank you for offering to send the invitation. We are continuing to evaluate Defendants' proposal but are endeavoring to respond in writing in advance of our meeting.

Best,  
Abby

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**Abby Wolf** | Hagens Berman Sobol Shapiro LLP | (510) 725-3031

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**From:** Tsoumas, Tammy A. <[ttsoumas@kirkland.com](mailto:ttsoumas@kirkland.com)>

**Sent:** Wednesday, May 3, 2023 5:56 PM

**To:** Abby Wolf <[AbbyW@hbsslw.com](mailto:AbbyW@hbsslw.com)>; [\\*Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com) <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>; [\\*Ken.Schwartz@skadden.com](mailto:Ken.Schwartz@skadden.com) <[Ken.Schwartz@skadden.com](mailto:Ken.Schwartz@skadden.com)>; [\\*Michael.Menitove@skadden.com](mailto:Michael.Menitove@skadden.com) <[Michael.Menitove@skadden.com](mailto:Michael.Menitove@skadden.com)>; [\\*Sam.Auld@skadden.com](mailto:Sam.Auld@skadden.com) <[Sam.Auld@skadden.com](mailto:Sam.Auld@skadden.com)>; [\\*sadik.huseny@lw.com](mailto:sadik.huseny@lw.com) <[sadik.huseny@lw.com](mailto:sadik.huseny@lw.com)>; [tim.omara@lw.com](mailto:tim.omara@lw.com); Brendan McShane <[brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com)>; [\\*anna.rathbun@lw.com](mailto:anna.rathbun@lw.com) <[anna.rathbun@lw.com](mailto:anna.rathbun@lw.com)>; [\\*aoruc@goodwinlaw.com](mailto:aoruc@goodwinlaw.com) <[aoruc@goodwinlaw.com](mailto:aoruc@goodwinlaw.com)>; [\\*arubio-spring@goodwinlaw.com](mailto:arubio-spring@goodwinlaw.com) <[arubio-spring@goodwinlaw.com](mailto:arubio-spring@goodwinlaw.com)>; [\\*preilly@bhfs.com](mailto:preilly@bhfs.com) <[preilly@bhfs.com](mailto:preilly@bhfs.com)>; [\\*azorio@bhfs.com](mailto:azorio@bhfs.com) <[azorio@bhfs.com](mailto:azorio@bhfs.com)>; Emily R. Garnett <[egarnett@bhfs.com](mailto:egarnett@bhfs.com)>; [\\*ewalther@bhfs.com](mailto:ewalther@bhfs.com) <[ewalther@bhfs.com](mailto:ewalther@bhfs.com)>; Holscher, Mark C. <[mholscher@kirkland.com](mailto:mholscher@kirkland.com)>; Solum, Matthew <[msolum@kirkland.com](mailto:msolum@kirkland.com)>; [\\*Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com) <[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com)>; [\\*kyle.mach@mto.com](mailto:kyle.mach@mto.com) <[kyle.mach@mto.com](mailto:kyle.mach@mto.com)>; [\\*Justin.Raphael@mto.com](mailto:Justin.Raphael@mto.com) <[Justin.Raphael@mto.com](mailto:Justin.Raphael@mto.com)>; [Juliana.yee@mto.com](mailto:Juliana.yee@mto.com); Haas, Nathaniel Edward <[nathaniel.haas@kirkland.com](mailto:nathaniel.haas@kirkland.com)>

**Cc:** Steve Berman <[Steve@hbsslw.com](mailto:Steve@hbsslw.com)>; Rio Pierce <[riop@hbsslw.com](mailto:riop@hbsslw.com)>; Ted Wojcik <[TedW@hbsslw.com](mailto:TedW@hbsslw.com)>

**Subject:** RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Abby,

Thank you for your email. We will review. To the extent we do not have further comments, we will go ahead and get this on file.

Regarding the draft discovery plan you circulated, are plaintiffs' counsel available on Monday, 5/8 at 1 or 2 p.m. pacific or Tuesday, 5/9 at 11 a.m. pacific to continue our meet and confer on these issues? We will endeavor to send you defendants' reactions to plaintiffs' proposals in advance of that meeting.

In the meantime, it would be helpful if plaintiffs would share their thoughts on the proposal we discussed last week regarding which discovery, if any, could proceed during the pendency of any motions to dismiss so that we can incorporate plaintiffs' thoughts into the draft we plan to send back. As we discussed, defendants reserve their rights to seek a stay of all discovery in the event the parties are not able to reach an agreement on these issues.

Once we settle on a time to reconvene, we will send around an invite. Thank you in advance.

Best,

**Tammy A. Tsoumas**

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**KIRKLAND & ELLIS LLP**

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90067

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[tammy.tsoumas@kirkland.com](mailto:tammy.tsoumas@kirkland.com)

**From:** Abby Wolf <[AbbyW@hbsslaw.com](mailto:AbbyW@hbsslaw.com)>

**Sent:** Wednesday, May 3, 2023 9:36 AM

**To:** Tsoumas, Tammy A. <[tsoumas@kirkland.com](mailto:tsoumas@kirkland.com)>; \*[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com) <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>; \*[Ken.Schwartz@skadden.com](mailto:Ken.Schwartz@skadden.com) <[Ken.Schwartz@skadden.com](mailto:Ken.Schwartz@skadden.com)>; \*[Michael.Menitove@skadden.com](mailto:Michael.Menitove@skadden.com) <[Michael.Menitove@skadden.com](mailto:Michael.Menitove@skadden.com)>; \*[Sam.Auld@skadden.com](mailto:Sam.Auld@skadden.com) <[Sam.Auld@skadden.com](mailto:Sam.Auld@skadden.com)>; \*[sadik.huseny@lw.com](mailto:sadik.huseny@lw.com) <[sadik.huseny@lw.com](mailto:sadik.huseny@lw.com)>; [tim.omara@lw.com](mailto:tim.omara@lw.com); \*[brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com) <[brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com)>; \*[anna.rathbun@lw.com](mailto:anna.rathbun@lw.com) <[anna.rathbun@lw.com](mailto:anna.rathbun@lw.com)>; \*[aoruc@goodwinlaw.com](mailto:aoruc@goodwinlaw.com) <[aoruc@goodwinlaw.com](mailto:aoruc@goodwinlaw.com)>; \*[arubio-spring@goodwinlaw.com](mailto:arubio-spring@goodwinlaw.com) <[arubio-spring@goodwinlaw.com](mailto:arubio-spring@goodwinlaw.com)>; \*[preilly@bhfs.com](mailto:preilly@bhfs.com) <[preilly@bhfs.com](mailto:preilly@bhfs.com)>; \*[azorio@bhfs.com](mailto:azorio@bhfs.com) <[azorio@bhfs.com](mailto:azorio@bhfs.com)>; \*[EGarnett@BHFS.com](mailto:EGarnett@BHFS.com) <[EGarnett@BHFS.com](mailto:EGarnett@BHFS.com)>; \*[ewalther@bhfs.com](mailto:ewalther@bhfs.com) <[ewalther@bhfs.com](mailto:ewalther@bhfs.com)>; Holscher, Mark C. <[mholscher@kirkland.com](mailto:mholscher@kirkland.com)>; Solum, Matthew <[msolum@kirkland.com](mailto:msolum@kirkland.com)>; \*[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com) <[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com)>; \*[kyle.mach@mto.com](mailto:kyle.mach@mto.com) <[kyle.mach@mto.com](mailto:kyle.mach@mto.com)>; \*[Justin.Raphael@mto.com](mailto:Justin.Raphael@mto.com) <[Justin.Raphael@mto.com](mailto:Justin.Raphael@mto.com)>; [Juliana.yee@mto.com](mailto:Juliana.yee@mto.com); Haas, Nathaniel Edward <[nathaniel.haas@kirkland.com](mailto:nathaniel.haas@kirkland.com)>

**Cc:** Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>; Ted Wojcik <[TedW@hbsslaw.com](mailto:TedW@hbsslaw.com)>

**Subject:** RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Tammy –

Thank you for preparing the stipulation. We have attached our edits in redline, and you have Plaintiffs' permission to file.

Best,  
Abby

--

**Abby Wolf** | Hagens Berman Sobol Shapiro LLP | (510) 725-3031

**From:** Tsoumas, Tammy A. <[tsoumas@kirkland.com](mailto:tsoumas@kirkland.com)>

**Sent:** Saturday, April 29, 2023 11:58 AM

**To:** Abby Wolf <[AbbyW@hbsslaw.com](mailto:AbbyW@hbsslaw.com)>; \*[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com) <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>; \*[Ken.Schwartz@skadden.com](mailto:Ken.Schwartz@skadden.com) <[Ken.Schwartz@skadden.com](mailto:Ken.Schwartz@skadden.com)>; \*[Michael.Menitove@skadden.com](mailto:Michael.Menitove@skadden.com) <[Michael.Menitove@skadden.com](mailto:Michael.Menitove@skadden.com)>; \*[Sam.Auld@skadden.com](mailto:Sam.Auld@skadden.com) <[Sam.Auld@skadden.com](mailto:Sam.Auld@skadden.com)>; \*[sadik.huseny@lw.com](mailto:sadik.huseny@lw.com) <[sadik.huseny@lw.com](mailto:sadik.huseny@lw.com)>; [tim.omara@lw.com](mailto:tim.omara@lw.com); Brendan McShane <[brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com)>; \*[anna.rathbun@lw.com](mailto:anna.rathbun@lw.com) <[anna.rathbun@lw.com](mailto:anna.rathbun@lw.com)>; \*[aoruc@goodwinlaw.com](mailto:aoruc@goodwinlaw.com) <[aoruc@goodwinlaw.com](mailto:aoruc@goodwinlaw.com)>; \*[arubio-spring@goodwinlaw.com](mailto:arubio-spring@goodwinlaw.com) <[arubio-spring@goodwinlaw.com](mailto:arubio-spring@goodwinlaw.com)>; \*[preilly@bhfs.com](mailto:preilly@bhfs.com) <[preilly@bhfs.com](mailto:preilly@bhfs.com)>; \*[azorio@bhfs.com](mailto:azorio@bhfs.com) <[azorio@bhfs.com](mailto:azorio@bhfs.com)>; Emily R. Garnett <[egarnett@bhfs.com](mailto:egarnett@bhfs.com)>; \*[ewalther@bhfs.com](mailto:ewalther@bhfs.com) <[ewalther@bhfs.com](mailto:ewalther@bhfs.com)>; Holscher, Mark C. <[mholscher@kirkland.com](mailto:mholscher@kirkland.com)>; Solum, Matthew <[msolum@kirkland.com](mailto:msolum@kirkland.com)>; \*[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com) <[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com)>; \*[kyle.mach@mto.com](mailto:kyle.mach@mto.com) <[kyle.mach@mto.com](mailto:kyle.mach@mto.com)>; \*[Justin.Raphael@mto.com](mailto:Justin.Raphael@mto.com) <[Justin.Raphael@mto.com](mailto:Justin.Raphael@mto.com)>; [Juliana.yee@mto.com](mailto:Juliana.yee@mto.com); Haas, Nathaniel Edward <[nathaniel.haas@kirkland.com](mailto:nathaniel.haas@kirkland.com)>

**Cc:** Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>; Ted Wojcik <[TedW@hbsslaw.com](mailto:TedW@hbsslaw.com)>

**Subject:** RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Counsel,

Thank you for sending the attached draft. We will review and circle back with you.

In the meantime, please find attached a draft stipulation for your review. Please let us know if you have any edits. Once this is finalized, we will go ahead and get it on file next week.

Hope everyone has a great weekend.

Best,

**Tammy A. Tsoumas**

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**From:** Abby Wolf <[AbbyW@hbsslaw.com](mailto:AbbyW@hbsslaw.com)>

**Sent:** Wednesday, April 26, 2023 11:14 AM

**To:** Tsoumas, Tammy A. <[tsoumas@kirkland.com](mailto:tsoumas@kirkland.com)>; \*Boris.Bershteyn@skadden.com <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>; \*Ken.Schwartz@skadden.com <[Ken.Schwartz@skadden.com](mailto:Ken.Schwartz@skadden.com)>; \*Michael.Menitove@skadden.com <[Michael.Menitove@skadden.com](mailto:Michael.Menitove@skadden.com)>; \*Sam.Auld@skadden.com <[Sam.Auld@skadden.com](mailto:Sam.Auld@skadden.com)>; \*sadi.huseny@lw.com <[sadi.huseny@lw.com](mailto:sadi.huseny@lw.com)>; tim.omara@lw.com; \*brendan.mcshane@lw.com <[brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com)>; \*anna.rathbun@lw.com <[anna.rathbun@lw.com](mailto:anna.rathbun@lw.com)>; \*aoruc@goodwinlaw.com <[aoruc@goodwinlaw.com](mailto:aoruc@goodwinlaw.com)>; \*arubio-spring@goodwinlaw.com <[arubio-spring@goodwinlaw.com](mailto:arubio-spring@goodwinlaw.com)>; \*preilly@bhfs.com <[preilly@bhfs.com](mailto:preilly@bhfs.com)>; \*azorio@bhfs.com <[azorio@bhfs.com](mailto:azorio@bhfs.com)>; \*EGarnett@BHFS.com <[EGarnett@BHFS.com](mailto:EGarnett@BHFS.com)>; \*ewalther@bhfs.com <[ewalther@bhfs.com](mailto:ewalther@bhfs.com)>; Holscher, Mark C. <[mholscher@kirkland.com](mailto:mholscher@kirkland.com)>; Cohen, Lena <[lena.cohen@kirkland.com](mailto:lena.cohen@kirkland.com)>; Solum, Matthew <[msolum@kirkland.com](mailto:msolum@kirkland.com)>; \*Bethany.Kristovich@mto.com <[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com)>; \*kyle.mach@mto.com <[kyle.mach@mto.com](mailto:kyle.mach@mto.com)>; \*Justin.Raphael@mto.com <[Justin.Raphael@mto.com](mailto:Justin.Raphael@mto.com)>; Juliana.yee@mto.com

**Cc:** Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>; Ted Wojcik <[TedW@hbsslaw.com](mailto:TedW@hbsslaw.com)>

**Subject:** RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Counsel:

As discussed at our 26(f) conference Monday, we are attaching a draft discovery plan that includes our proposed schedule.

Please circulate the draft stipulation for extension of the plan deadline at your convenience. By our read of the Local Rules, the plan is otherwise due May 8.

Thanks,  
Abby

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**Abby Wolf** | Hagens Berman Sobol Shapiro LLP | (510) 725-3031

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**From:** Abby Wolf

**Sent:** Friday, April 14, 2023 1:18 PM

**To:** Tsoumas, Tammy A. <[tsoumas@kirkland.com](mailto:tsoumas@kirkland.com)>; \*Boris.Bershteyn@skadden.com <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>; \*Ken.Schwartz@skadden.com <[Ken.Schwartz@skadden.com](mailto:Ken.Schwartz@skadden.com)>; \*Michael.Menitove@skadden.com <[Michael.Menitove@skadden.com](mailto:Michael.Menitove@skadden.com)>; \*Sam.Auld@skadden.com <[Sam.Auld@skadden.com](mailto:Sam.Auld@skadden.com)>; \*sadi.huseny@lw.com <[sadi.huseny@lw.com](mailto:sadi.huseny@lw.com)>; tim.omara@lw.com; Brendan McShane <[brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com)>; \*anna.rathbun@lw.com <[anna.rathbun@lw.com](mailto:anna.rathbun@lw.com)>; \*aoruc@goodwinlaw.com <[aoruc@goodwinlaw.com](mailto:aoruc@goodwinlaw.com)>; \*arubio-spring@goodwinlaw.com <[arubio-spring@goodwinlaw.com](mailto:arubio-spring@goodwinlaw.com)>; \*preilly@bhfs.com <[preilly@bhfs.com](mailto:preilly@bhfs.com)>; \*azorio@bhfs.com <[azorio@bhfs.com](mailto:azorio@bhfs.com)>; Emily R. Garnett <[egarnett@bhfs.com](mailto:egarnett@bhfs.com)>; \*ewalther@bhfs.com <[ewalther@bhfs.com](mailto:ewalther@bhfs.com)>; Holscher, Mark C. <[mholscher@kirkland.com](mailto:mholscher@kirkland.com)>; Cohen, Lena <[lena.cohen@kirkland.com](mailto:lena.cohen@kirkland.com)>;

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**Cc:** Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>; Ted Wojcik <[TedW@hbsslaw.com](mailto:TedW@hbsslaw.com)>  
**Subject:** RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Counsel –

As discussed at our prior meet and confer, please see the attached draft Rgs and RFPs.

Best,  
Abby

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**Abby Wolf** | Hagens Berman Sobol Shapiro LLP | (510) 725-3031

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**From:** Abby Wolf

**Sent:** Monday, April 10, 2023 1:44 PM

**To:** Tsoumas, Tammy A. <[ttsoumas@kirkland.com](mailto:ttsoumas@kirkland.com)>; \*Boris.Bershteyn@skadden.com <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>;  
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[Juliana.yee@mto.com](mailto:Juliana.yee@mto.com)

**Cc:** Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>

**Subject:** RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Tammy –

Thank you. We are available at 11 a.m. PT on April 18. Calendar invite to follow.

Best,  
Abby

--

**Abby Wolf** | Hagens Berman Sobol Shapiro LLP | (510) 725-3031

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**From:** Tsoumas, Tammy A. <[ttsoumas@kirkland.com](mailto:ttsoumas@kirkland.com)>

**Sent:** Thursday, April 6, 2023 7:31 PM

**To:** Abby Wolf <[AbbyW@hbsslaw.com](mailto:AbbyW@hbsslaw.com)>; \*Boris.Bershteyn@skadden.com <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>;  
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Solum, Matthew <[msolum@kirkland.com](mailto:msolum@kirkland.com)>; \*Bethany.Kristovich@mto.com <[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com)>;  
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[Juliana.yee@mto.com](mailto:Juliana.yee@mto.com)  
Cc: Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>  
Subject: RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Thanks very much, Abby. Counsel for the defendants are available on April 18<sup>th</sup> at 10 a.m. or 11 a.m. pacific.

Best,

**Tammy A. Tsoumas**

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[tammy.tsoumas@kirkland.com](mailto:tammy.tsoumas@kirkland.com)

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**From:** Abby Wolf <[AbbyW@hbsslaw.com](mailto:AbbyW@hbsslaw.com)>  
**Sent:** Wednesday, April 5, 2023 10:27 AM  
**To:** \*Boris.Bershteyn@skadden.com <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>; \*Ken.Schwartz@skadden.com <[Ken.Schwartz@skadden.com](mailto:Ken.Schwartz@skadden.com)>; \*Michael.Menitove@skadden.com <[Michael.Menitove@skadden.com](mailto:Michael.Menitove@skadden.com)>; \*Sam.Auld@skadden.com <[Sam.Auld@skadden.com](mailto:Sam.Auld@skadden.com)>; \*sadi.huseny@lw.com <[sadi.huseny@lw.com](mailto:sadi.huseny@lw.com)>; tim.omara@lw.com; \*brendan.mcshane@lw.com <[brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com)>; \*anna.rathbun@lw.com <[anna.rathbun@lw.com](mailto:anna.rathbun@lw.com)>; \*aoruc@goodwinlaw.com <[aoruc@goodwinlaw.com](mailto:aoruc@goodwinlaw.com)>; \*arubio-spring@goodwinlaw.com <[arubio-spring@goodwinlaw.com](mailto:arubio-spring@goodwinlaw.com)>; \*preilly@bhfs.com <[preilly@bhfs.com](mailto:preilly@bhfs.com)>; \*azorio@bhfs.com <[azorio@bhfs.com](mailto:azorio@bhfs.com)>; \*EGarnett@BHFS.com <[EGarnett@BHFS.com](mailto:EGarnett@BHFS.com)>; \*ewalther@bhfs.com <[ewalther@bhfs.com](mailto:ewalther@bhfs.com)>; Holscher, Mark C. <[mholscher@kirkland.com](mailto:mholscher@kirkland.com)>; Tsoumas, Tammy A. <[ttsoumas@kirkland.com](mailto:ttsoumas@kirkland.com)>; Cohen, Lena <[lena.cohen@kirkland.com](mailto:lena.cohen@kirkland.com)>; Solum, Matthew <[msolum@kirkland.com](mailto:msolum@kirkland.com)>; \*Bethany.Kristovich@mto.com <[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com)>; \*kyle.mach@mto.com <[kyle.mach@mto.com](mailto:kyle.mach@mto.com)>; \*Justin.Raphael@mto.com <[Justin.Raphael@mto.com](mailto:Justin.Raphael@mto.com)>; [Juliana.yee@mto.com](mailto:Juliana.yee@mto.com)  
**Cc:** Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>  
**Subject:** RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

All –

Slight correction. We are proposing either Friday, April 14 or Tuesday, April 18. Please let us know what will work for your side.

Thanks,  
Abby

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**Abby Wolf** | Hagens Berman Sobol Shapiro LLP | (510) 725-3031

---

**From:** Abby Wolf  
**Sent:** Wednesday, April 5, 2023 9:02 AM  
**To:** Boris.Bershteyn@skadden.com; Ken.Schwartz@skadden.com; Michael.Menitove@skadden.com; Sam.Auld@skadden.com; sadi.huseny@lw.com; tim.o'mara@lw.com; Brendan McShane <[brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com)>; anna.rathbun@lw.com; AOruc@goodwinlaw.com; ARubio-Spring@goodwinlaw.com; preilly@bhfs.com; azorio@bhfs.com; Emily R. Garnett <[egarnett@bhfs.com](mailto:egarnett@bhfs.com)>; ewalther@bhfs.com;



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Cc: Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>

Subject: RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Counsel:

We are following up on our request for a Rule 26(f) conference pursuant to LR 26-1(a). Please let us know the full side of Defendants' availability on either April 15 or 18.

Also, as we had indicated on our call last month, we plan to circulate proposed RFPs and Rogs in advance of our call, and we look forward to discussing whether the parties can reach agreement on discovery that should proceed while the MTD is pending.

Best,  
Abby

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**Abby Wolf** | Hagens Berman Sobol Shapiro LLP | (510) 725-3031

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**From:** Abby Wolf

**Sent:** Wednesday, March 1, 2023 10:33 AM

**To:** Tsoumas, Tammy A. <[ttsoumas@kirkland.com](mailto:ttsoumas@kirkland.com)>; Cohen, Lena <[lena.cohen@kirkland.com](mailto:lena.cohen@kirkland.com)>; Jensen, Savannah Lynn <[savannah.jensen@kirkland.com](mailto:savannah.jensen@kirkland.com)>; \*[pbyrne@swlaw.com](mailto:pbyrne@swlaw.com) <[pbyrne@swlaw.com](mailto:pbyrne@swlaw.com)>; \*[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com) <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>; [Sadik.Huseny@lw.com](mailto:Sadik.Huseny@lw.com); \*[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com) <[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com)>; \*[preilly@bhfs.com](mailto:preilly@bhfs.com) <[preilly@bhfs.com](mailto:preilly@bhfs.com)>

Cc: Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>

Subject: RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Tammy –

Thanks for getting back to us. We have a different interpretation of the rule, but regardless, we agree it would be constructive to discuss discovery and general scheduling issues as well as the due date for the 26(f) conference.

Monday, 3/6 at 10 a.m. works for us.

Thanks,  
Abby

--

**Abby Wolf** | Hagens Berman Sobol Shapiro LLP | (510) 725-3031

---

**From:** Tsoumas, Tammy A. <[ttsoumas@kirkland.com](mailto:ttsoumas@kirkland.com)>

**Sent:** Monday, February 27, 2023 5:08 PM

**To:** Abby Wolf <[AbbyW@hbsslaw.com](mailto:AbbyW@hbsslaw.com)>; Cohen, Lena <[lena.cohen@kirkland.com](mailto:lena.cohen@kirkland.com)>; Jensen, Savannah Lynn <[savannah.jensen@kirkland.com](mailto:savannah.jensen@kirkland.com)>; \*[pbyrne@swlaw.com](mailto:pbyrne@swlaw.com) <[pbyrne@swlaw.com](mailto:pbyrne@swlaw.com)>; \*[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com) <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>; [Sadik.Huseny@lw.com](mailto:Sadik.Huseny@lw.com); \*[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com) <[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com)>; \*[preilly@bhfs.com](mailto:preilly@bhfs.com) <[preilly@bhfs.com](mailto:preilly@bhfs.com)>

Cc: Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>

Subject: RE: Gibson v. MGM Resorts - FRCP 26(f) Conference



Counsel,

Following up on your request to schedule a Rule 26(f) conference, we respectfully do not believe that it is clear that the 30-day deadline begins to run when a defendant files a notice of appearance. Nevertheless with the understanding that we do not view the call as a Rule 26(f) conference, we are happy to set up a time to speak in general about discovery and overall scheduling issues regarding the case, including calendaring a Rule 26(f) conference. Times that work are: Wednesday, 3/1 at 9 a.m., Friday, 3/3 at 9 a.m. or 10 a.m., or Monday, 3/6 at 10 a.m. (all times pacific). Please let us know if any of those times work. Once we settle on a time, we will send around an invite.

Best,

**Tammy A. Tsoumas**

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**From:** Tsoumas, Tammy A. <[ttsoumas@kirkland.com](mailto:ttsoumas@kirkland.com)>

**Sent:** Wednesday, February 22, 2023 8:06 PM

**To:** Abby Wolf <[AbbyW@hbsslaw.com](mailto:AbbyW@hbsslaw.com)>; Cohen, Lena <[lena.cohen@kirkland.com](mailto:lena.cohen@kirkland.com)>; Jensen, Savannah Lynn <[savannah.jensen@kirkland.com](mailto:savannah.jensen@kirkland.com)>; \*pbyrne@swlaw.com <[pbyrne@swlaw.com](mailto:pbyrne@swlaw.com)>; \*Boris.Bershteyn@skadden.com <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>; Sadik.Huseny@lw.com; \*Bethany.Kristovich@mto.com <[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com)>; \*preilly@bhfs.com <[preilly@bhfs.com](mailto:preilly@bhfs.com)>

**Cc:** Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; Rio Pierce <[riop@hbsslaw.com](mailto:riop@hbsslaw.com)>

**Subject:** RE: Gibson v. MGM Resorts - FRCP 26(f) Conference

Abby, thank you for your email. We are checking availability on the defense side and will circle back with times that work for the group.

Best,

**Tammy A. Tsoumas**

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**From:** Abby Wolf <[AbbyW@hbsslaw.com](mailto:AbbyW@hbsslaw.com)>

**Sent:** Friday, February 17, 2023 3:26 PM

**To:** Tsoumas, Tammy A. <[ttsoumas@kirkland.com](mailto:ttsoumas@kirkland.com)>; Cohen, Lena <[lena.cohen@kirkland.com](mailto:lena.cohen@kirkland.com)>; Jensen, Savannah Lynn <[savannah.jensen@kirkland.com](mailto:savannah.jensen@kirkland.com)>; \*pbyrne@swlaw.com <[pbyrne@swlaw.com](mailto:pbyrne@swlaw.com)>; \*Boris.Bershteyn@skadden.com <[Boris.Bershteyn@skadden.com](mailto:Boris.Bershteyn@skadden.com)>; Sadik.Huseny@lw.com; \*Bethany.Kristovich@mto.com <[Bethany.Kristovich@mto.com](mailto:Bethany.Kristovich@mto.com)>; \*preilly@bhfs.com <[preilly@bhfs.com](mailto:preilly@bhfs.com)>

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**Subject:** Gibson v. MGM Resorts - FRCP 26(f) Conference

Counsel:

Pursuant to LR 26-1(a), we write to schedule a Fed. R. Civ. P. 26(f) conference. As the first defendant's appearance was entered on February 10, we calculate that we have until Sunday, March 12 to complete the conference, and fourteen days from the date of the conference to submit a stipulated discovery plan and scheduling order.

Please let us know times in the morning (PT) of February 24 or February 27 where your side would be available.

Best,  
Abby

--

**Abby Wolf, Associate**



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